

Exhibit D

Excerpts of Deposition of Edward Scanlon
(November 20, 2013)

Edward Scanlon

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

United States of America, :
 :
Plaintiff, :
 : 1:13-cv-99-TLW
vs. :
 :
Edward F. Scanlon, Debra J.:
Scanlon, and First Citizens:
Bank and Trust Company, :
Incorporated, :
 :
Defendants. :
- - - - -

First Citizens Bank and :
Trust, Incorporated, :
 :
Plaintiff, :
 : 1:13-cv-1739-TLW
vs. :
 :
Edward F. Scanlon, Debra J.:
Scanlon, and Department of :
Treasury - Internal Revenue:
Service, :
 :
Defendants. :
- - -

Wednesday, November 20, 2013
- - -

ORAL DEPOSITION OF EDWARD F. SCANLON,
taken at Womble, Carlyle, Sandridge & Rice, 1727
Hampton Street, Columbia, South Carolina,
commencing at 2:40 p.m., before Deidre Osborne, a
Court Reporter and Notary Public.

- - -
EVERYWORD, INC.
P.O. Box 1459
Columbia, South Carolina 29202
803-212-0012

Edward Scanlon

EDWARD F. SCANLON

1 Q. Okay. And then as you read down, it
2 says, "All parties now desire to modify the
3 Note." Do you see that paragraph? It's right --

4 A. Yes. Yes. Yes. Yes.

5 Q. All right. That paragraph also says,
6 "The Note" -- right in the middle of it, it says,
7 "The Note, as modified, continues to be secured by
8 that Mortgage filed in Aiken County at Book 4055
9 Page 723."

10 A. Yes.

11 Q. Okay. This the -- the same mortgage that
12 secured the loan that we -- that you got in '06 is
13 still in effect, right? It was not changed by
14 this document.

15 A. No.

16 Q. Okay. Let me ask you a couple real quick
17 questions about the closing of the '06 loan, and I
18 asked your wife these, too, but just so we've got
19 a complete record, when you closed that loan in
20 '06, nobody's -- you didn't say, "Hey, make it to
21 where the mortgage is only on half of the
22 property," did you?

23 A. No.

24 Q. Okay. All right. Let's -- Mr. Scanlon,
25 are you current -- as you sit here today, can you

Edward Scanlon

EDWARD F. SCANLON

1 testify whether -- as to whether you are current
2 on your loan with First Citizens?

3 A. No.

4 Q. You can't testify or you are not current?

5 A. Not current.

6 Q. Okay. Do you know how far in arrears you
7 are you?

8 A. One month.

9 Q. Okay. Let me hand you Exhibit 11.

10 - - -

11 (First Citizens Amended Complaint marked
12 E. Scanlon Exhibit Number 11, for
13 identification.)

14 - - -

15 BY MR. CARROLL:

16 Q. All right. And it's the -- it is First
17 Citizens' amended Complaint. I'm sorry. Just
18 hang on. Before we get to that, I'm -- let's go
19 back to Exhibit Number 1 which was First Citizens'
20 original Complaint.

21 A. Okay.

22 Q. All right. Do you see on the first page
23 of that it says it was filed May 14th, 2013?

24 A. Yes.

25 Q. And then if -- as -- if you flip through